

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HARRY DELANDRO and DEBRA MALOY,)
individually and on behalf of a class of others)
similarly situated,)
Plaintiffs,)
vs) Civil Action No. 06-927
Defendants.)

O R D E R

AND NOW, this 8th day of January, 2007, after the plaintiffs filed an amended complaint in the above-captioned case, and after the defendants submitted a motion to dismiss the amended complaint or, in the alternative, for summary judgment, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the defendants' motion to dismiss the amended complaint, or for summary judgment (Document No. 8), treated as a motion to dismiss, is denied.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: All Counsel of Record

Honorable Robert C. Mitchell
United States Magistrate Judge